
SUBSTITUTE SENATE BILL 6599

State of Washington

58th Legislature

2004 Regular Session

By Senate Committee on Agriculture (originally sponsored by Senators Honeyford, Swecker, Parlette, Haugen, Sheahan and Rasmussen)

READ FIRST TIME 02/09/04.

1 AN ACT Relating to required elements of cholinesterase monitoring
2 programs for certain pesticide handlers; adding new sections to chapter
3 49.17 RCW; and declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 49.17 RCW
6 to read as follows:

7 (1) In implementing any rules adopted pursuant to RCW 49.17.050(4)
8 that require agricultural employers to implement a monitoring program
9 for employees who handle category I or II organophosphate or N-methyl-
10 carbamate pesticides, the department must collect and analyze data to
11 determine whether mandatory testing is warranted and, if so, what
12 thresholds of exposure to pesticides should trigger mandatory testing.
13 The department shall develop or contract the development of a data base
14 to help in assessing the efficacy of the monitoring program. The data
15 collected and entered into the data base must include, at a minimum:
16 (a) The number of employees that are tested; (b) the number of baseline
17 tests that are performed; (c) the number of periodic tests that are
18 performed for each of the employees; (d) the number of investigations
19 of employee work practices that are required; (e) the number of medical

1 removals from pesticide handling and other work exposures to pesticides
2 that are required; (f) the number of investigations of employee work
3 practices required for which depressed cholinesterase levels are not
4 positively correlated to pesticide handling or other workplace
5 exposures; (g) the number of medical removals required for which
6 depressed cholinesterase levels are not positively correlated to
7 pesticide handling or other workplace exposures; and (h) for each
8 employee with a substantially depressed cholinesterase level, the
9 relationship between his or her depressed cholinesterase level and the
10 number of hours he or she spent handling category I or II
11 organophosphate or N-methyl-carbamate pesticides.

12 (2) For each employee tested during 2004 and 2005, the department
13 shall ensure that each cholinesterase test measurement is correlated
14 with documented hours handling category I or II organophosphate or N-
15 methyl-carbamate pesticides since the employee's last cholinesterase
16 test. For each test that requires action by the employer, the
17 department shall determine whether the depression was subsequently
18 determined to be caused by factors that are unrelated to workplace
19 exposure.

20 (3) Upon receiving a report of a test showing actionable levels of
21 cholinesterase depression, the department may contact the employer and
22 offer assistance by means of a voluntary and nonpunitive consultation
23 focused solely on pesticide workplace safety. Before conducting such
24 consultation, the department will obtain a determination from the
25 treating physician as to whether the physician has concluded that the
26 depression is due to workplace exposure. The department shall notify
27 the employer if the physician was unable to determine that the
28 depression was due to workplace exposure.

29 (4) By December 1st of each year, the department shall report the
30 results of this data collection and analysis to the house of
31 representatives committees on agriculture and natural resources, and
32 commerce and labor, or their successor committees, and the senate
33 committees on agriculture, and commerce and trade, or their successor
34 committees. The department's report shall also identify any technical
35 problems regarding testing or the administration of cholinesterase
36 monitoring. Recommendations regarding legislation needed to resolve
37 identified problems shall be presented in bill form.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 49.17 RCW
2 to read as follows:

3 (1) Within the appropriations from the medical aid fund provided
4 for administering this chapter, the department shall pay approved
5 health care facilities and licensed health care professionals directly
6 for all costs of services related to baseline and periodic
7 cholinesterase tests and interpretations of such tests. These health
8 care facilities and professionals include, but are not limited to,
9 approved laboratories and clinics, and licensed physicians. These
10 services include, but are not limited to, taking, shipping, and testing
11 blood samples, interpreting blood tests, and counseling employees who
12 handle category I or II organophosphate or N-methyl-carbamate
13 pesticides.

14 (2) Any rules adopted pursuant to RCW 49.17.050(4) that require
15 agricultural employers to implement a monitoring program for employees
16 who handle category I or II organophosphate or N-methyl-carbamate
17 pesticides shall allow agricultural employers to seek reimbursement
18 from the accident fund for the costs they incur in complying with such
19 rules. These costs are the probable central compliance costs specified
20 in the benefit-cost determination for such rules, which shall include
21 the costs of training, paying wages and benefits to employees for time
22 traveling to approved laboratories or clinics, and paying wages and
23 benefits to employees receiving medical removal protection benefits due
24 to depressed cholinesterase levels. Reimbursement rates for these
25 costs shall be consistent with probable compliance costs specified in
26 the benefit-cost determination for such rules. Requests for
27 reimbursement for a calendar quarter must be submitted to the
28 department no later than the day immediately following the last day of
29 the first month following that calendar quarter. The department shall
30 reimburse employers making timely requests for reimbursement. Payments
31 of reimbursements for a calendar quarter must be made no later than the
32 day immediately following the last day of the second month following
33 that calendar quarter.

34 NEW SECTION. **Sec. 3.** A new section is added to chapter 49.17 RCW
35 to read as follows:

36 Any rules adopted pursuant to RCW 49.17.050(4) that require
37 agricultural employers to implement a monitoring program for employees

1 who handle category I or II organophosphate or N-methyl-carbamate
2 pesticides shall allow agricultural employers to seek reimbursement
3 from the accident fund for the recordkeeping costs they incur in
4 complying with such rules. With regard to recordkeeping reimbursement
5 rates and the procedures, requirements, and deadlines for recordkeeping
6 reimbursement requests and payments, the provisions of section 2(2) of
7 this act apply.

8 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
9 preservation of the public peace, health, or safety, or support of the
10 state government and its existing public institutions, and takes effect
11 immediately.

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